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10 Attorney for Defendant

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 BETTY DUKES, PATRICIA SURGESON,  
15 EDITH ARANA, DEBORAH GUNTER and  
16 CHRISTINE KWAPNOSKI, on behalf of  
themselves and all others similarly situated,

17 Plaintiffs,

18 v.

19 WAL-MART STORES, INC.,

20 Defendant.

Joseph M. Sellers  
Christine E. Webber  
Jenny R. Yang  
COHEN MILSTEIN SELLERS & TOLL  
PLLC  
West Tower, Suite 500  
1100 New York Avenue  
Washington, DC 20005  
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CASE NO.: C 01-2252-CRB

**STIPULATION AND ORDER  
REGARDING FILING OF  
SUPPLEMENTAL MEMORANDUM IN  
SUPPORT OF WAL-MART'S MOTION  
TO DISMISS FOURTH AMENDED  
COMPLAINT**

21  
22 The undersigned counsel, on behalf of Betty Dukes, Patricia Surgeson, Edith Arana, Deborah  
23 Gunter, and Christine Kwapnoski ("Named Plaintiffs") and Defendant Wal-Mart Stores, Inc. ("Wal-  
24 Mart"), hereby stipulate and agree as follows:

25 WHEREAS, on January 3, 2012, pursuant to a stipulation of the parties, this Court established  
26 a briefing schedule on Wal-Mart's Motion to Dismiss the Fourth Amended Complaint, *see* Dkt. 780;

27 WHEREAS, on January 13, 2012, Wal-Mart filed its Motion to Dismiss the Fourth Amended  
28 Complaint and a Memorandum of Points and Authorities in Support Thereof, *see* Dkt. 781;

1        WHEREAS, Wal-Mart wishes to file a supplemental memorandum in support of its motion to  
2 dismiss, not to exceed five pages, to assert an argument regarding the timeliness of the plaintiffs'  
3 class allegations;

4        WHEREAS, Wal-Mart has agreed that Named Plaintiffs may have an additional five pages  
5 and seven days in which to respond to all of the arguments made in support of Wal-Mart's motion to  
6 dismiss;

7        WHEREAS, counsel for Named Plaintiffs have agreed to Wal-Mart's proposal and consented  
8 to the filing of the supplemental memorandum on the terms stated; and

9        WHEREAS, the stipulated changes to the briefing schedule described below do not alter the  
10 date by which any reply brief by Wal-Mart shall be filed, such that all briefing shall be completed by  
11 the same date as was previously ordered by the Court, *see* Dkt. 769, 780;

12      THEREFORE, the Named Plaintiffs and Wal-Mart stipulate and agree as follows:

13      1.       Wal-Mart may file a Supplemental Memorandum of Points and Authorities in Support  
14 of its Motion to Dismiss the Fourth Amended Complaint no later than March 21, 2012 that shall not  
15 exceed 5 pages;

16      2.       Named Plaintiffs' response to Wal-Mart's Motion to Dismiss the Fourth Amended  
17 Complaint shall be filed no later than March 30, 2012 and shall not exceed 50 pages;

18      3.       The deadline for the filing of Wal-Mart's reply, if one is to be filed, shall remain  
19 unchanged as April 13, 2012;

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1       4. The hearing date set for Wal-Mart's Motion to Dismiss shall be May 7, 2012 at  
2 10:00 a.m..  
3

4 IT IS SO STIPULATED.

5 Dated: March 21, 2012

6 By: /s/ Brad Seligman

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By: /s/ Theodore J. Boutrous, Jr.

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Attorney for Defendant

12       **I, Theodore J. Boutrous, Jr., attest that**  
13 **concurrence in the filing of this document**  
**has been obtained from the other signatory.**

14  
15 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
16

17 DATE: MARCH 23, 2012  
18

